

## Message Text

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ORIGIN OES-06

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TO AMEMBASSY SEOUL PRIORITY

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E.O. 11652:N/A

TAGS:EFIS, JA, PLOS

SUBJECT: US/KOREA GOVERNING INTERNATIONAL FISHERIES  
AGREEMENT

REF: (A) STATE 202337

1. FOLLOWING IS TEXT OF AGREEMENT DESCRIBED REFTEL.  
OUTSTANDING ISSUES ARE BRACKETED AND NOTED. INSTRUCTIONS  
WILL BE SENT ASAP.

2. BEGIN TITLE. QUOTE. AGREEMENT BETWEEN THE GOVERNMENT  
OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE  
REPUBLIC OF KOREA CONCERNING FISHERIES OFF THE COASTS OF  
THE UNITED STATES. END TITLE.

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3. BEGIN TEXT. QUOTE. THE GOVERNMENT OF THE UNITED  
STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF  
KOREA

4. UNDERSCORE CONSIDERING END UNDERSCORE THEIR COMMON CONCERN FOR THE RATIONAL MANAGEMENT, CONSERVATION AND OPTIMUM UTILIZATION OF FISH STOCKS OFF THE COASTS OF THE UNITED STATES;

5. UNDERSCORE RECOGNIZING END UNDERSCORE THAT THE UNITED STATES HAS ESTABLISHED A FISHERY CONSERVATION ZONE WITHIN 200 NAUTICAL MILES OF ITS COASTS WITHIN WHICH THE UNITED STATES EXERCISES FISHERY MANAGEMENT AUTHORITY OVER ALL FISH AND THAT THE UNITED STATES ALSO EXERCISES SUCH AUTHORITY OVER THE LIVING RESOURCES OF THE CONTINENTAL SHELF APPERTAINING TO THE UNITED STATES AND TO ANADROMOUS SPECIES OF FISH OF UNITED STATES ORIGIN THROUGHOUT THEIR MIGRATORY RANGE;

6. UNDERSCORE FURTHER RECOGNIZING END UNDERSCORE THAT THE TWO GOVERNMENTS HAVE CLOSELY COOPERATED WITH EACH OTHER IN THE DEVELOPMENT OF MUTUAL FISHERIES RELATIONS WITHIN THE FRAMEWORK OF THEIR AGREEMENT CONCERNING CO-OPERATION IN FISHERIES OF DECEMBER 12, 1972;

7. UNDERSCORE DESIROUS END UNDERSCORE OF ESTABLISHING REASONABLE TERMS AND CONDITIONS PERTAINING TO FISHERIES OF MUTUAL CONCERN OVER WHICH THE UNITED STATES EXERCISES FISHERY MANAGEMENT AUTHORITY;

8. HAVE AGREED AS FOLLOWS:

9. ARTICLE I. THE PURPOSE OF THIS AGREEMENT IS TO ENSURE EFFECTIVE CONSERVATION, OPTIMUM UTILIZATION AND RATIONAL MANAGEMENT OF THE FISHERIES OF MUTUAL INTEREST OFF THE COASTS OF THE UNITED STATES AND TO ESTABLISH A COMMON UNDERSTANDING OF THE PRINCIPLES AND PROCEDURES UNDER WHICH FISHING MAY BE CONDUCTED BY NATIONALS AND VESSELS OF THE REPUBLIC OF KOREA FOR THE LIVING RESOURCES OVER WHICH THE UNITED STATES EXERCISES FISHERY LIMITED OFFICIAL USE  
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MANAGEMENT AUTHORITY AS PROVIDED BY UNITED STATES LAW.

10. ARTICLE II. AS USED IN THIS AGREEMENT, THE TERM

11. 1) QUOTE LIVING RESOURCES OVER WHICH THE UNITED STATES EXERCISES FISHERY MANAGEMENT AUTHORITY END QUOTE MEANS ALL FIS; WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, EXCEPT HIGHLY MIGRATORY SPECIES, ALL ANADROMOUS SPECIES OF FISH THAT SPAWN IN THE FRESH OR ESTUARINE WATERS OF THE UNITED STATES AND MIGRATE TO OCEAN WATERS, THROUGHOUT THEIR MIGRATORY RANGE, AND ALL LIVING RESOURCES OF THE CONTINENTAL SHELF APPERTAINING TO THE UNITED STATES;

12. 2) QUOTE FISH UNQUOTE MEANS ALL FIN FISH, MOLLUSCS, CRUSTACEANS, AND OTHER FORMS OF MARINE ANIMAL AND PLANT LIFE, OTHER THAN MARINE MAMMALS, BIRDS AND HIGHLY MIGRATORY SPECIES;

13. 3) QUOTE FISHERY UNQUOTE MEANS

14. (A) ONE OR MORE STOCKS OF FISH THAT CAN BE TREATED AS A UNIT FOR PURPOSES OF CONSERVATION AND MANAGEMENT AND THAT ARE IDENTIFIED ON THE BASIS OF GEOGRAPHICAL, SCIENTIFIC, TECHNICAL, RECREATIONAL AND ECONOMIC CHARACTERISTICS; AND

15. (B) ANY FISHING FOR SUCH STOCKS.

16. 4) QUOTE FISHERY CONSERVATION ZONE UNQUOTE MEANS A ZONE CONTIGUOUS TO THE TERRITORIAL SEA OF THE UNITED STATES, THE SEAWARD BOUNDARY OF WHICH IS A LINE DRAWN IN SUCH A MANNER THAT EACH POINT ON IT IS 200 NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA OF THE UNITED STATES IS MEASURED;

17. 5) QUOTE FISHING UNQUOTE MEANS

18. (A) THE CATCHING, TAKING OR HARVESTING OF FISH;

19. (B) THE ATTEMPTED CATCHING, TAKING OR HARVESTING LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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OF FISH;

20. (C) ANY OTHER ACTIVITY THAT CAN REASONABLY BE EXPECTED TO RESULT IN THE CATCHING, TAKING OR HARVESTING OF FISH; OR

21. (D) ANY OPERATIONS AT SEA DIRECTLY IN SUPPORT OF, OR IN PREPARATION FOR, ANY ACTIVITY DESCRIBED IN SUB-PARAGRAPHS (A) THROUGH (C) ABOVE, PROVIDED THAT SUCH TERM DOES NOT INCLUDE OTHER LEGITIMATE USES OF THE HIGH SEAS, INCLUDING ANY SCIENTIFIC RESEARCH ACTIVITY CONDUCTED BY A SCIENTIFIC RESEARCH VESSEL;

22. 6) QUOTE FISHING VESSEL UNQUOTE MEANS ANY VESSEL, BOAT, SHIP OR OTHER CRAFT THAT IS USED FOR, EQUIPPED TO BE USED FOR, OR OF A TYPE THAT IS NORMALLY USED FOR

23. (A) FISHING; OR

24. (B) AIDING OR ASSISTING ONE OR MORE VESSELS AT SEA IN THE PERFORMANCE OF ANY ACTIVITY RELATING TO FISHING;

INCLUDING PREPARATION, SUPPLY, STORAGE, REFRIGERATION,  
TRANSPORTATION OR PROCESSING;

25. 7) QUOTE HIGHLY MIGRATORY SPECIES UNQUOTE MEANS  
SPECIES OF TUNA WHICH IN THE COURSE OF THEIR LIFE CYCLE,  
SPAWN AND MIGRATE OVER GREAT DISTANCES IN WATERS OF THE  
OCEAN;

26. 8) QUOTE MARINE MAMMALS UNQUOTE MEANS ANY MAMMAL  
THAT IS MORPHOLOGICALLY ADAPTED TO THE MARINE ENVIRON-  
MENT, INCLUDING SEA OTTERS AND MEMBER OF THE ORDERS  
SIRENIA, PINNIPEDIA, AND CETACEA, OR PRIMARILY INHABITS  
THE MARINE ENVIRONMENT SUCH AS POLAR BEARS.

27. ARTICLE III.

28. 1) THE GOVERNMENT OF THE UNITED STATES UNDERTAKES TO  
ALLOW FISHING VESSELS OF THE REPUBLIC OF KOREA TO FISH  
FOR THE LIVING RESOURCES WITHIN THE FISHERY CONSERVATION  
ZONE OF THE UNITED STATES IN ACCORDANCE WITH THE PRO-  
VISIONS OF THE AGREEMENT.

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29. 2) THE GOVERNMENT OF THE UNITED STATES SHALL DE-  
TERMINE EACH YEAR, SUBJECT TO SUCH ADJUSTMENTS AS MAY  
BE NECESSITATED BY UNFORESEEN CIRCUMSTANCES AFFECTING  
THE STOCKS;

30. (A) THE TOTAL ALLOWABLE CATCH FOR EACH FISHERY ON  
THE BASIS OF THE BEST AVAILABLE SCIENTIFIC EVIDENCE,  
TAKING INTO ACCOUNT THE INTERDEPENDENCE OF STOCKS,  
INTERNATIONALLY ACCEPTED CRITERIA, AND ALL OTHER RELEVANT  
FACTORS;

31. (B) THE HARVESTING CAPACITY OF UNITED STATES FISHING  
VESSELS IN RESPECT OF EACH FISHERY;

32. (C) THE PORTION OF THE TOTAL ALLOWABLE CATCH FOR A  
SPECIFIC FISHERY THAT, ON AN ANNUAL BASIS, WILL NOT BE  
HARVESTED BY UNITED STATES FISHING VESSELS; AND

33. (D) THE ALLOCATION OF SUCH PORTION THAT CAN BE MADE  
AVAILABLE TO THE REPUBLIC OF KOREA.

34. 3) IN IMPLEMENTATION OF PARAGRAPH 2 (D) OF THIS  
ARTICLE, THE UNITED STATES SHALL DETERMINE EACH YEAR  
THE MEASURES NECESSARY TO PREVENT OVERFISHING WHILE  
ACHIEVING, ON A CONTINUING BASIS, THE OPTIMUM YIELD FROM  
EAC, FISHERY. FISHING VESSELS OF THE REPUBLIC OF KOREA  
SHALL COMPLY WITH SUCH CONSERVATION MEASURES AND OTHER  
TERMS AND CONDITIONS AS ESTABLISHED BY THE GOVERNMENT  
OF THE UNITED STATES.

35. 4) THE GOVERNMENT OF THE UNITED STATES SHALL NOTIFY THE GOVERNMENT OF THE REPUBLIC OF KOREA OF THE DETERMINATIONS PROVIDED FOR BY THIS ARTICLE ON A TIMELY BASIS.

36. ARTICLE IV.

37. IN DETERMINING THE PORTION OF THE SURPLUS THAT MAY BE MADE AVAILABLE TO THE REPUBLIC OF KOREA THE GOVERNMENT OF THE UNITED STATES WILL PROMOTE THE OBJECTIVE OF OPTIMUM UTILIZATION, TAKING INTO ACCOUNT, UNDERSCORE LIMITED OFFICIAL USE  
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INTER ALIA END UNDERSCORE, TRADITIONAL FISHING, BRACKET IF ANY, END BRACKET CONTRIBUTIONS TO FISHERY RESEARCH AND THE IDENTIFICATION OF STOCKS, PREVIOUS COOPERATION IN ENFORCEMENT AND WITH RESPECT TO CONSERVATION AND MANAGEMENT OF FISHERY RESOURCES OF MUTUAL CONCERN, AND THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN CASES WHERE VESSELS HAVE HABITUALLY FISHED FOR LIVING RESOURCES OVER WHICH THE UNITED STATES BRACKET NOW CLOSE BRACKET EXERCISES FISHERY MANAGEMENT AUTHORITY.

38. ARTICLE V.

39. THE GOVERNMENT OF THE REPUBLIC OF KOREA SHALL TAKE MEASURES TO ENSURE THAT FISHING VESSELS OF THE REPUBLIC OF KOREA COMPLY WITH THE PROVISIONS OF THIS AGREEMENT, INCLUDING THE PROVISIONS OF PERMITS ISSUED HEREUNDER, AND APPLICABLE LAWS OF THE UNITED STATES.

40. ARTICLE VI.

41. THE GOVERNMENT OF THE REPUBLIC OF KOREA MAY SUBMIT AN APPLICATION TO THE GOVERNMENT OF THE UNITED STATES FOR A PERMIT FOR EACH KOREAN FISHING VESSEL THAT WISHES TO ENGAGE IN FISHING IN THE FISHERY CONSERVATION ZONE PURSUANT TO THIS AGREEMENT. SUCH APPLICATION SHALL BE PREPARED AND PROCESSED IN ACCORDANCE WITH ANNEX I TO THIS AGREEMENT WHICH SHALL CONSTITUTE AN INTEGRAL PART HEREOF. THE GOVERNMENT OF THE UNITED STATES MAY REQUIRE THE PAYMENT OF REASONABLE FEES FOR SUCH PERMITS.

42. ARTICLE VII.

43. THE GOVERNMENT OF THE REPUBLIC OF KOREA SHALL ENSURE THAT NATIONALS AND VESSELS OF THE REPUBLIC OF KOREA REFRAIN FROM HARASSING, HUNTING, CAPTURING, OR KILLING OR ATTEMPTING TO HARASS, HUNT, CAPTURE, OR KILL, ANY MARINE MAMMAL WITHIN THE UNITED STATES FISHERY CONSERVATION ZONE, EXCEPT AS MAY BE OTHERWISE PROVIDED BY AN

INTERNATIONAL AGREEMENT RESPECTING MARINE MAMMALS TO  
WHICH THE UNITED STATES IS A PARTY, OR IN ACCORDANCE  
WITH SPECIFIC AUTHORIZATION FOR AND CONTROLS ON INCIDENTAL  
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TAKING OF MARINE MAMMALS ESTABLISHED BY THE GOVERNMENT  
OF THE UNITED STATES.

44. ARTICLE VIII.

45. THE GOVERNMENT OF THE REPUBLIC OF KOREA SHALL ENSURE  
THAT IN THE CONDUCT OF THE FISHERIES UNDER THIS AGREEMENT:

46. 1) THE AUTHORIZING PERMIT FOR EACH KOREAN VESSEL IS  
PROMINENTLY DISPLAYED IN THE WHEELHOUSE OF SUCH VESSEL;

47. 2) APPROPRIATE POSITION-FIXING AND IDENTIFICATION  
EQUIPMENT, AS DETERMINED BY THE GOVERNMENT OF THE UNITED  
STATES, IS INSTALLED AND MAINTAINED IN WORKING ORDER IN  
EACH SUCH VESSEL;

48. 3) DESIGNATED UNITED STATES OBSERVERS ARE PERMITTED  
TO BOARD, UPON REQUEST, ANY FISHING VESSEL, AND SHALL BE  
ACCORDED THE EQUIVALENT RANK OF SHIP'S OFFICER WHILE  
ABOARD SUCH VESSEL, AND, FURTHER, THE GOVERNMENT OF THE  
UNITED STATES SHALL BE REIMBURSED FOR THE COSTS INCURRED  
IN THE UTILIZATION OF OBSERVERS;

49. 4) AGENTS ARE APPOINTED AND MAINTAINED WITHIN THE  
UNITED STATES POSSESSING THE AUTHORITY TO RECEIVE AND  
RESPOND TO ANY LEGAL PROCESS ISSUED IN THE UNITED STATES  
WITH RESPECT TO A VESSEL OWNER OR OPERATOR FOR ANY CAUSE  
ARISING OUT OF THE CONDUCT OF FISHING ACTIVITIES UNDER  
THIS AGREEMENT; AND

50. 5) BRACKET ALL NECESSARY MEASURES ARE TAKEN TO EN-  
SURE THE PROMPT AND ADEQUATE COMPENSATION OF UNITED  
STATES CITIZENS FOR ANY LOSS OF, OR DAMAGE TO THEIR  
FISHING VESSELS, FISHING GEAR, OR CATCH THAT IS PROXI-  
MATELY CAUSED BY ANY FISHING VESSEL OF THE REPUBLIC OF  
KOREA. CLOSE BRACKET.

51. BRACKET THE GOVERNMENT OF THE UNITED STATES AND THE  
GOVERNMENT OF THE REPUBLIC OF KOREA SHALL ENSURE THAT IN  
THE CONDUCT OF FISHERIES IN THIS AGREEMENT ALL NECESSARY  
MEASURES ARE TAKEN TO ENSURE THE PROMPT AND ADEQUATE  
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COMPENSATION OF CITIZENS OF EITHER PARTY FOR ANY LOSS OF, OR DAMAGE TO THEIR FISHING VESSELS, FISHING GEAR OR CATCH THAT IS PROXIMATELY CAUSED BY ANY FISHING VESSEL OF THE OTHER COUNTRY. CLOSE BRACKET. FOOTNOTE: THE DELEGATION OF THE REPUBLIC OF KOREA HAS PROPOSED DELETION OF VIII (5) AND PLACEMENT OF THIS LANGUAGE AS A SECOND PARAGRAPH OF ARTICLE VIII.

52. ARTICLE IX.

53. 1) THE GOVERNMENT OF THE REPUBLIC OF KOREA SHALL TAKE SUCH MEASURES AS MAY BE NECESSARY TO ENSURE THAT EACH VESSEL OF THE REPUBLIC OF KOREA AUTHORIZED TO FISH

PURSUANT TO THIS AGREEMENT, AND ANY OTHER FISHING VESSEL OF THE REPUBLIC OF KOREA THAT ENGAGES IN FISHING FOR LIVING RESOURCES SUBJECT TO THE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES, SHALL ALLOW AND ASSIST THE BOARDING AND INSPECTION OF SUCH VESSEL BY ANY DULY AUTHORIZED ENFORCEMENT OFFICIAL OF THE UNITED STATES, AND SHALL COOPERATE IN SUCH ENFORCEMENT ACTION AS MAY BE UNDERTAKEN PURSUANT TO THE LAWS OF THE UNITED STATES.

54. 2) IN CASES OF SEIZURE AND ARREST OF A VESSEL OF THE REPUBLIC OF KOREA BY THE AUTHORITIES OF THE GOVERNMENT OF THE UNITED STATES NOTIFICATION SHALL BE GIVEN PROMPTLY THROUGH DIPLOMATIC CHANNELS INFORMING THE GOVERNMENT OF THE REPUBLIC OF KOREA OF THE ACTION TAKEN.

55. 3) ARRESTED VESSELS AND THEIR CREWS SHALL BE PROMPTLY RELEASED, SUBJECT TO SUCH REASONABLE BOND OR OTHER SECURITY AS MAY BE DETERMINED.

56. ARTICLE X.

57. BRACKET THE GOVERNMENT OF THE UNITED STATES WILL IMPOSE APPROPRIATE PENALTIES, IN ACCORDANCE WITH THE LAWS OF THE UNITED STATES, ON VESSELS OF THE REPUBLIC OF KOREA OR THEIR OWNERS OR OPERATORS, THAT VIOLATE THE REQUIREMENTS OF THIS AGREEMENT OR OF ANY PERMIT ISSUED HEREUNDER. CLOSE BRACKET.

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58. ARTICLE XI.

59. THE GOVERNMENT OF THE REPUBLIC OF KOREA UNDERTAKES TO COOPERATE WITH THE GOVERNMENT OF THE UNITED STATES IN THE CONDUCT OF SCIENTIFIC RESEARCH REQUIRED FOR THE PURPOSE OF MANAGING AND CONSERVING LIVING RESOURCES SUBJECT TO THE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES, INCLUDING THE COMPILATION OF BEST AVAILABLE

SCIENTIFIC INFORMATION FOR THE MANAGEMENT AND CONSERVATION OF STOCKS OF MUTUAL CONCERN. THE COMPETENT AGENCIES OF THE TWO GOVERNMENTS SHALL ENTER INTO SUCH ARRANGEMENTS AS MAY BE NECESSARY TO FACILITATE SUCH COOPERATION, INCLUDING THE EXCHANGE OF INFORMATION AND SCIENTISTS, REGULARLY SCHEDULED MEETINGS BETWEEN SCIENTISTS TO PREPARE RESEARCH PLANS AND REVIEW PROGRESS, AND THE IMPLEMENTATION AND MAINTENANCE OF A STANDARDIZED SYSTEM FOR THE COLLECTION AND ARCHIVING OF RELEVANT STATISTICAL AND BIOLOGICAL INFORMATION IN ACCORDANCE WITH THE PROCEDURES CONTAINED IN ANNEX II, WHICH SHALL CONSTITUTE AN INTEGRAL PART OF THIS AGREEMENT.

60. ARTICLE XII.

61. THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF KOREA SHALL CARRY OUT PERIODIC BILATERAL CONSULTATIONS REGARDING THE IMPLEMENTATION OF THIS AGREEMENT AND THE DEVELOPMENT OF FURTHER COOPERATION IN THE FIELD OF FISHERIES OF MUTUAL CONCERN, INCLUDING THE PARTICIPATION IN APPROPRIATE MULTILATERAL ORGANIZATIONS FOR THE COLLECTION AND ANALYSIS OF SCIENTIFIC DATA RESPECTING SUCH FISHERIES.

62. ARTICLE XIII.

63. THE GOVERNMENT OF THE UNITED STATES UNDERTAKES TO AUTHORIZE FISHING VESSELS OF THE REPUBLIC OF KOREA ALLOWED TO FISH PURSUANT TO THIS AGREEMENT TO ENTER DESIGNATED PORTS IN ACCORDANCE WITH UNITED STATES LAWS FOR THE PURPOSE OF PURCHASING BAIT, SUPPLIES, OR OUTFITS, OR EFFECTING REPAIRS, OR FOR SUCH OTHER PURPOSES AS MAY LIMITED OFFICIAL USE  
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BE AUTHORIZED.

64. ARTICLE XIV.

65. SHOULD THE GOVERNMENT OF THE UNITED STATES INDICATE TO THE GOVERNMENT OF THE REPUBLIC OF KOREA THAT ITS NATIONALS AND VESSELS WISH TO ENGAGE IN FISHING IN THE FISHERY CONSERVATION ZONE OF THE REPUBLIC OF KOREA OR ITS EQUIVALENT, THE GOVERNMENT OF THE REPUBLIC OF KOREA WILL ALLOW SUCH FISHING ON THE BASIS OF RECIPROCITY AND ON TERMS NOT MORE RESTRICTIVE THAN THOSE ESTABLISHED IN ACCORDANCE WITH THIS AGREEMENT.

66. ARTICLE XV.

67. NOTHING CONTAINED IN THIS AGREEMENT SHALL AFFECT OR PREJUDICE IN ANY MANNER THE POSITIONS OF EITHER GOVERN-



MENT WITH RESPECT TO THE EXTENT OF INTERNAL WATERS, OF THE TERRITORIAL SEA, OF THE HIGH SEAS, OR OF COASTAL STATE JURISDICTION OR AUTHORITY FOR ANY PURPOSE OTHER THAN THE CONSERVATION AND MANAGEMENT OF FISHERIES, PROVIDED FOR IN THIS AGREEMENT.

68. ARTICLE XVI.

69. 1) THIS AGREEMENT SHALL ENTER INTO FORCE ON A DATE TO BE MUTUALLY AGREED BY EXCHANGE OF NOTES, UPON THE COMPLETION OF THE INTERNAL PROCEDURES OF BOTH GOVERNMENTS, AND SHALL REMAIN INFORCE UNTIL JULY 1, 1982, UNLESS

TERMINATED SOONER BY EITHER GOVERNMENT AFTER GIVING NOTIFICATION OF SUCH TERMINATION 12 MONTHS IN ADVANCE.

70. 2) THIS AGREEMENT SHALL BE SUBJECT TO REVIEW BY THE TWO GOVERNMENTS TWO YEARS AFTER ITS ENTRY INTO FORCE OR UPON THE CONCLUSION OF A MULTILATERAL TREATY RESULTING FROM THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA. END OF TEXT OF AGREEMENT. UNQUOTE. ANNEXES AND MINUTES WILL BE SENT SEPTEL. KISSINGER

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## Message Attributes

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